

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

CYMEYON HILL,

Plaintiff,

v.

S. PATTERSON, et al.,

Defendants.

No. 2:22-cv-01328-TLN-AC

**ORDER**

Plaintiff, proceeding *pro se*, has filed this civil rights action seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On August 2, 2022, the magistrate judge filed findings and recommendations which recommended denying Plaintiff's application to proceed in forma pauperis because he had not made an adequate showing of indigency. (ECF No. 7.) The findings and recommendations were served on Plaintiff and contained notice to Plaintiff that any objections to the findings and recommendations were to be filed within fourteen days. (*Id.* at 2.) Plaintiff has filed objections to the findings and recommendations in which he asserts that he does not have to pay the filing fee because he is a civil detainee and not subject to the Prison Litigation Reform Act (PLRA). (ECF No. 9.)

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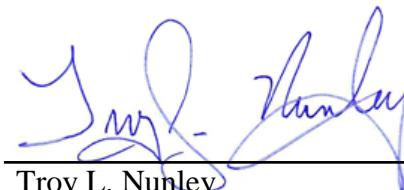
1           In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 304, this  
2 Court has conducted a de novo review of this case. While Plaintiff is correct that civil detainees  
3 are not subject to the PLRA, which requires that prisoners who are granted leave to proceed in  
4 forma pauperis must still pay the filing fee in increments, like any other civil litigant he must pay  
5 the filing fee if he does not show that he is unable to pay the fee. See 28 U.S.C. §§ 1914(a),  
6 1915(a). Plaintiff has failed to demonstrate that he is unable to pay the filing fee.

7           Having carefully reviewed the entire file, the Court finds the findings and  
8 recommendations to be supported by the record and by proper analysis.

9           Accordingly, IT IS HEREBY ORDERED that:

- 10          1. The Findings and Recommendations filed August 2, 2022 (ECF No. 7) are ADOPTED  
11 in full;
- 12          2. Plaintiff's Motion for Leave to Proceed In Forma Pauperis (ECF No. 2) is DENIED;
- 13          3. Within thirty days of the service of this Order, Plaintiff shall pay the filing fee or face  
14 dismissal of the case; and.
- 15          4. This matter is referred back to the assigned magistrate judge for all further pretrial  
16 proceedings.

17 **DATED: September 19, 2022**

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Troy L. Nunley  
United States District Judge

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